

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SUSAN MALPHURS,

Plaintiff,

v.

ACTIVE PRODUCTION &
DESIGN, INC.,

Defendant.

CIVIL ACTION
NO. 1:17-CV-03303-CAP

ORDER

Before the court is the parties' joint motion for approval of the settlement agreement [Doc. No. 36]. Because the proposed settlement agreement pertains to the plaintiff's private action for back wages under the Fair Labor Standards Act, 29. U.S.C. § 201 *et seq.*, this court has an obligation to scrutinize the settlement for fairness before approving it. Section 1 of the settlement agreement states that the defendant will pay "Thirty-Four Thousand Dollars (43,000.00)" and that, out of that sum, the plaintiff's counsel will receive \$24,000.00 as payment for the plaintiff's legal fees and costs. Because there is ambiguity regarding the amount due under the agreement, and because plaintiff's counsel has not explained to the

satisfaction of the court why they are receiving over half of the settlement¹, this court is unable to fulfil its obligation and determine the fairness of this settlement. The parties are ORDERED to file an amended motion to approve the settlement agreement which addresses these issues.

SO ORDERED this 3rd day of January, 2019.

/s/ Charles A. Pannell, Jr.
CHARLES A. PANNELL, JR.
United States District Judge

¹ The motion merely states that the amounts were negotiated “separately.”